

IN THE JUSTICE COURT/CITY COURT
IN AND FOR THE COUNTY OF GALLATIN, MONTANA

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THE STATE OF MONTANA
County of Gallatin,
CITY OF BELGRADE,

GALLATIN COUNTY
JUSTICE COURT

Plaintiff,

Cause No.

AFFIDAVIT AND ORDER

RE: PROBABLE CAUSE/COMPLAINT

V.

Michael F. Pitton (DOB 04-27-43)
Defendant

The undersigned, being duly sworn, states as follows:

1. I, Detective Dustin Lensing, am a sworn officer with the Belgrade Police Department, City of Belgrade, Gallatin County, Montana.

2. On April 21st, 2012, the defendant was arrested for the charge(s) of:

Criminal Endangerment, Montana Code Annotated 45-5-207

3. The undersigned believes that there is probable cause to charge the defendant with said charge(s) because:

On April 21, 2012 at approximately 0840 hours, Belgrade Police Officer Jarrod Robinson, and Sergeant Chuck Sprague were dispatched to the area of Jackrabbit Lane and Glider Lane for a report of a male subject who was threatening suicide. The male, identified as Michael Pitton, had called 911 to report that he wanted to kill himself and was armed with a firearm. Sergeant Sprague and Officer Robinson arrived shortly thereafter, took up perimeter positions, and observed Pitton standing beside his white Ford van, bearing Montana Registration ALE751. Additionally, Gallatin County Deputies Jon Nelson, Dan Tiller and Cindy Crawford, along with Montana Highway Patrol Trooper Brandon Dhl, arrived on scene and took up positions as well.

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As officers watched, an adult male civilian, identified and referred to hereafter as E.E., appeared from the north while walking his dog. The male approached Pitton and engaged in conversation with him as officers, from their current positions, were unable to warn E.E. about the situation. Officers observed E.E. and Pitton converse briefly, and then as he removed what appeared to be a holster from under his arm and threw it into the street. At that point, E.E. ran away from Pitton, traveling east on Glider where he was able to make contact with Deputy Crawford. It should be noted that as E.E. turned to run away, Pitton fired a shot into the air.

Sergeant Sprague was able to make contact with Pitton via cell phone and began negotiating with him. During Sergeant Sprague's conversation, Pitton relayed that he did not wish to live, and that he wanted to either commit suicide or force officers to shoot him. Pitton specifically requested that Sergeant Sprague shoot him in the head.

During the course of negotiations, Pitton repeatedly paced near his van, as well as entered and exited the van on several occasions. Pitton also produced what appeared to officers to be a revolver style handgun on several occasions.

Sergeant Sprague continued negotiations with Pitton for over one hour, asking him to surrender and place the weapon down. Pitton waived repeatedly and again fired another round into the air. Towards the end of negotiations, Pitton, who was still armed, began approaching officers on foot, raised the gun in the air, and fired another round. Pitton then continued to approach, raised his pistol in the air and opened the cylinder, presumably to empty all of the bullets from the cylinder. Pitton eventually placed the gun on the ground, at which time Trooper Uhl and Deputy Nelson approached him in Nelson's patrol car. As they arrived at his location, Trooper Uhl deployed his Taser twice, however the Taser's first deployment missed and the second struck with little effect. Trooper Uhl and Deputy Nelson were able to exit the vehicle and take Pitton into custody without incident. He was transported to Bozeman Deaconess Hospital where he was evaluated by Gallatin County Mental health and released.

It should be noted that your Affiant later conducted a follow up interview with E.E. in which he stated that as he approached Pitton, he observed that he was crying and upset, at which point he asked Pitton if he was okay. E.E. stated that Pitton replied by telling him that he wanted to kill himself. E.E. went on to state that he observed what appeared to be a holster slung under Pitton's arm and asked him if he had a gun. He advised that Pitton told him that the gun was inside of the van and then removed the holster and threw it into the street. E.E. stated that he called 911 to report the incident and then turned and ran

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from that location as he observed Pitton begin to enter the driver's compartment of the van where he feared the gun may be located. E.E. stated that as he ran, he heard a single gunshot, but did not look back and never saw Pitton brandish the gun, nor did he observe in which direction Pitton had fired the shot. During the course of this interview, E.E. described to your affiant that he was extremely fearful for his own personal safety.

Your Affiant, along with Gallatin County Sheriff Detective Dane Vranish, also conducted follow up interviews with the officers involved in this incident. All officers involved relayed that they felt extreme fear for public safety, as Pitton had already fired several rounds in the air and that there were several homes, apartment complexes, businesses, and bystanders within close proximity to the incident. The officers also relayed that they feared that they would have to act in self defense as they were worried that Pitton may point or fire the gun in their direction or directly at them.

Given the information listed above, Michael Pitton was charged with the offense of Criminal endangerment, to wit: knowingly engaging in conduct that creates a substantial risk of death or serious bodily injury to another by shooting live ammunition in a populated area with the intent to force law enforcement officers to return fire. He was held in the Gallatin County Detention Center without bond.

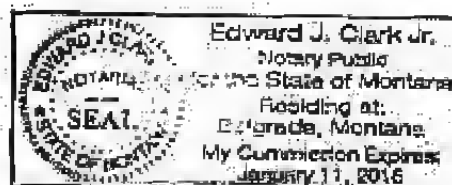
Dated this 21st day of April, 2012.

Signature of affiant

Det. Dustin Lensing
Belgrade Police Dept.

SUBSCRIBED AND SWORN to before me this 21 day of April, 2012.

NOTARY PUBLIC FOR MONTANA



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ORDER

Upon reading the foregoing Affidavit:

✓ IT IS HEREBY ORDERED THAT probable cause is found to charge the above named defendant with the charges:

45-5-207 Criminal Endangerment (F)

IT IS HEREBY ORDERED that probable cause is not found to charge the above-named defendant with the following charges:

DATED this 22 day of April, 2012 at 11:18 (a.m.) p.m.

[Signature]
JUSTICE OF THE PEACE/CITY JUDGE

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